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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/713,202

11/17/2003

Raymond P. Brady

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EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT

PAPER NUMBER

3653

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/713,202

Applicant(s)

BRADY ET AL.

Examiner

Joseph C. Rodriguez

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/26/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims lack proper antecedent basis for the pre-sorting step.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 7, 10, 13 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by De Leo et al. ("De Leo")(US 6,107,588).

Regarding claim 1, De Leo (Fig. 1-3) teaches a method for sorting delivery-information-bearing sortation items, using a continuous sorting conveyor, according to a specifiable destination route, with a number of destination route sections each subdivided into a number of destination sub-sections, the destination sub-sections having a number of consecutive destination positions, comprising the steps of:

feeding the sortation items, in a first pass, to the continuous sorting conveyor using at least two feeding stations, said at least two feeding stations corresponding to no more than a number of destination route sections and having a number of sorting compartments disposed between two feeding stations (Fig. 1a showing feed stations near F1 and F2 with sorting compartments U1 – Un with sorting conveyors inherent from transport paths; col. 3, ln. 40-65);

conveying, in a first sorting cycle, said sortation items according to their relevant destination position to a corresponding sorting compartment, the number of consecutive sorting compartments corresponding to the largest number of destination positions located within one of the destination sub-sections (col. 3, ln. 5 et seq. with fig. 3 illustrating division of mail addresses into adjacent sorting compartments); and

feeding said sortation items conveyed to said sorting compartments back to said sorting conveyor by said feeding stations, said feeding said sortation items being performed in a sequence of said destination positions and said sortation items conveyed according to their relevant destination sub-section to a sorting compartment corresponding to said destination sub-section as well as a number of sorting compartments corresponding to a number of destination sub-sections (Id. with fig. 1b showing second sorting cycle).

Regarding claims 4, 7, 10, 13, 16, 17, the destination route sections appear dimensioned such that an approximately even number of sortation items is sorted to each destination route section; the number of destination positions and destination sub-

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sections within the destination route sections are approximately the same and between two feeding stations there are disposed at least two sorting compartments corresponding to destination route sections and a number of feeding conveyors corresponding to said destination route sections, of which there are at least two, are disposed in the upstream feeding station (Fig. 1a, 1b, 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5, 6, 8, 9, 11, 12, 14-15 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Leo in view of what is well known in the art.

De Leo as set forth above teaches all that is claimed except for expressly teaching, prior to said first pass, pre-sorting said sortation items according to destination route sections, wherein only sortation items are pre-sorted for one of the route sections and fed to each feeding conveyor. The use of pre-sorting for mail sorting items is well known in the sorting arts and Examiner takes Official Notice of such. Here, it is noted that De Leo specifically teaches the pre-sorting step and teaches that his invention is an advancement of the presort step (col. 1, ln. 39-68). Applicant is thus advised that reliance on a well-known, but outdated, process step is not a solid basis for

patentability. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of De Leo as is well known in the art.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST). The Supervisory Examiner is Patrick Mackey, **571-272-6916**.

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

For more information about the PAIR system, see

<http://pair-direct.uspto.gov>

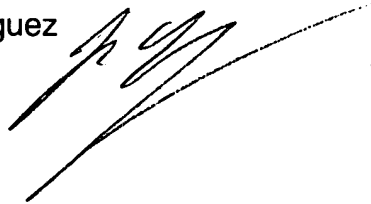
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Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Signed by Examiner Joseph Rodriguez

Jcr

January 7, 2007

A handwritten signature in black ink, appearing to be 'J. Rodriguez', written over a horizontal line.